

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

EXHIBIT 1

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CASE NO. 3:21-CV-03302-MBS-TJH-RMG
-----x
THE SOUTH CAROLINA CONFERENCE OF THE
NAACP, et al,
Plaintiffs,
-against-
THOMAS C. ALEXANDER, et al,
Defendants.
-----x
July 21, 2022
9:30 a.m.

ZOOM VIRTUAL CONFERENCE
VIDEOCONFERENCE Examination
Before Trial of SEAN PATRICK TRENDE, taken
by the Defendants, via Zoom Technology,
pursuant to Notice, held before R. Bobbie
Levy, a Certified Shorthand Reporter and
Notary Public of the State of New York.

1 S. Trende

2 A Without making us sit through
3 the exercise of me reading the report, I
4 think that's right and I have no reason
5 to doubt you.

6 Q Is it fair that you have no
7 opinions you intend to offer at trial
8 about the reports filed by Dr. Duchin,
9 Dr. Liu or Dr. Bagley?

10 A Certainly not their opening
11 reports. I don't know how things work
12 with their rebuttal reports since I know
13 Dr. Liu, Dr. Bagley and Dr. Duchin filed
14 rebuttal reports to my opinion. And
15 Dr. Ragusa.

16 Q Okay. So just so we are clear,
17 as to their initial reports you are not
18 planning to offer any opinions concerning
19 the initial reports of Dr. Duchin, Dr. Liu
20 or Dr. Bagley, correct?

21 A That's correct.

22 Q And I'll ask the question asked
23 earlier. Are you planning to supplement
24 your reports in any way to address the
25 rebuttal reports of Dr. Duchin, Dr. Liu,

1 S. Trende

2 Dr. Bagley or Dr. Ragusa?

3 A No. I don't intend to do any
4 supplemental reports or work respecting
5 the expert reports of Dr. Duchin,
6 Dr. Liu, L-i-u or Dr. Bagley.

7 Q So let me circle back. Are you
8 planning to offer any opinions at trial
9 about the analysis presented by
10 Dr. Duchin, Dr. Liu or Dr. Bagley?

11 A I have no idea what might be
12 asked as sort of rehabilitation to the
13 extent you cross me on their rebuttal
14 reports. But with respect to their
15 initial reports, I don't have any
16 intention to testify with respect to
17 those.

18 Q Okay. And with regard to their
19 rebuttal reports, putting aside from I
20 might ask you on cross-examination, do you
21 have any plans to testify about their
22 rebuttal reports in your direct testimony?

23 A Well, again, I don't have, I
24 don't even know if I'll be testifying
25 live at trial. And I certainly haven't

1 S. Trende

2 and doubt I will draft my direct. But
3 no, I don't have any intentions to do so.

4 Q Okay. Sitting here today do you
5 have any opinions concerning Dr. Duchin's
6 rebuttal report?

7 A I have certainly read it and
8 given it thought. So I assume I have
9 opinions with respect to it. So yes.

10 Q What are your opinions with
11 regards to Dr. Duchin's rebuttal report?

12 A I couldn't rehearse them on the
13 fly. We would have to walk through that
14 report.

15 Q Are there any, sitting here
16 today are you prepared to express any
17 opinions regarding Dr. Duchin's report?

18 A Well, again not on the fly but
19 as we go through, if you show me
20 Dr. Duchin's rebuttal report and ask me
21 about something, there's a reasonable
22 chance I have an opinion about it.

23 So I'm not going to close myself
24 out of the ability to give that answer
25 two hours later if we are going through

1 S. Trende

2 Dr. Duchin's rebuttal report.

3 Q Do you know when Dr. Duchin's
4 rebuttal report was served?

5 A I do not.

6 Q It was served on May 4th. The
7 same day you served your rebuttal report.
8 So you have had over two months to express
9 any opinions you had regarding Dr.
10 Duchin's report or supplementary report.

11 Is there a reason you have not
12 prepared a supplemental report to address
13 Dr. Duchin's any criticisms you have,
14 Dr. Duchin's supplemental rebuttal report?

15 A Well, from what I was informed
16 about the scheduling order, it doesn't
17 include a supplement. And it's pretty
18 unusual in my experience to move to go
19 outside the scheduling order to write a
20 supplement. And I wasn't asked by
21 counsel to prepare one.

22 Q Same question with regard to
23 Dr. Liu. Is there a reason why, do you
24 have any, sitting here today can you tell
25 me any criticisms you have of Dr. Liu

1 S. Trende

2 based on his rebuttal report?

3 A Well, again it's the same basic
4 answer. These are not lengthy reports
5 but substantial reports. And so on the
6 fly, I certainly couldn't give you all my
7 thoughts and opinions on it.

8 That said, if you were to ask me
9 about things on cross, that I have
10 thought about or even at the time have
11 impressions about, I'm not inclined to
12 close myself out of the ability to give
13 that answer.

14 Q Sitting here today are you
15 prepared to identify any criticisms you
16 have of Dr. Liu based on his rebuttal
17 report?

18 A Well, again, two hours from now
19 if we go through Dr. Liu's rebuttal
20 report and you asked me about something,
21 I'll probably have given it some thought
22 and have opinions about it.

23 Nothing in it changed my mind
24 nor in Dr. Duchin's report. But beyond
25 that sitting right here, no, I could not

1 S. Trende

2 tell you what my specific opinions with
3 respect to Dr. Liu are.

4 Q Okay. And in the time since
5 Dr. Liu's rebuttal report was served in
6 early May, is there any reason why you
7 couldn't have expressed any opinions you
8 had concerning Dr. Liu's analysis in a
9 supplemental report?

10 A Well, again, to my
11 understanding, the scheduling order
12 doesn't provide for third or supplemental
13 reports to respond to expert opinions.

14 And in my experience it would be
15 unusual to revise the scheduling order to
16 provide for such reports. And beyond
17 that, I wasn't asked to do so by Counsel.

18 Q Okay. And then same question
19 with regard to Dr. Bagley. Sitting here
20 today, are you, sitting here today can you
21 articulate any criticisms you have of
22 Dr. Bagley based on his rebuttal report?

23 A Well, again, it's a substantial
24 report. So on the fly in response to an
25 open-ended question, I wouldn't be able

1 S. Trende

2 to come up with a list of responses or
3 objections to Dr. Bagley's report. With
4 that said, you may at some point in the
5 future ask me questions about Dr.
6 Bagley's report and I wouldn't want to
7 close myself out of being able to give an
8 answer there.

9 In addition, if you were to
10 cross me on things at trial, it's likely
11 I would have a response to them. But
12 again, sitting here right now at this
13 moment, in response to an open-ended
14 question, I can't give a list, no.

15 Q Sitting here today can you
16 identify any criticisms you have of
17 Dr. Bagley?

18 A Again, without going through the
19 rebuttal report I would not have
20 something in response to an open-ended
21 question.

22 Q Okay. And in the time since
23 Dr. Bagley searched his rebuttal report in
24 early May, is there any reason you don't
25 have prepared a supplemental report to

1 S. Trende

2 address any criticisms you have of
3 Dr. Bagley's report?

4 A Well, again, to my understanding
5 the scheduling order doesn't provide for
6 supplemental reports. And in my
7 experience it will be unusual to modify
8 scheduling order to do so. And I haven't
9 been asked to do so by counsel.

10 Q Do you know any of the
11 plaintiffs' experts, any of the five
12 individuals?

13 A Not on a personal level, no.

14 Q Do you know any of them on a
15 professional level?

16 A I have seen Dr. Imai, and
17 Dr. Duchin give testimony. But that's
18 the extent of it.

19 Q Are you familiar with Dr. Imai's
20 professional qualifications?

21 A In a general sense, yes.

22 Q Do you have any opinion about
23 his qualifications to provide his opinions
24 in his reports?

25 A I think he is certainly

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5 E x h i b i t 1 7 E m a i l d a t e d 1 1 / 2 4 / 2 1 1 6 5

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